



LAP15 Rec'd PCT/PTO 18 OCT 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jerome TAUZIN et al.

Examiner: YOUNG, Hugh P.

Serial No.: 10/519,164

Group Art Unit: 1654

Filed: August 30, 2005

Title: **USE OF CAESIN PEPTIDES TO TREAT HYPERTENSION**

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

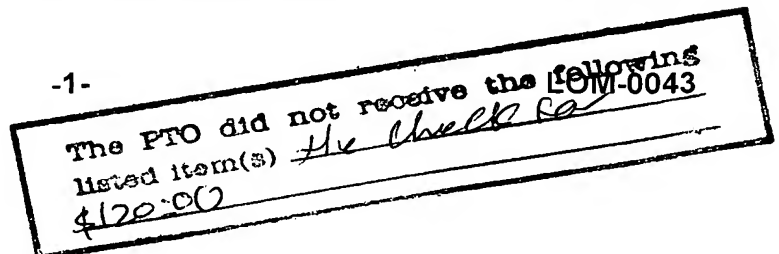
In response to the Restriction Requirement dated August 22, 2006, Applicants hereby elect with traverse Group XIX (claims 3-6), drawn to a dietary supplement comprising the peptide of SEQ ID NO: 5, and SEQ ID NOs:8-10.

Withdrawal of this restriction requirement is respectfully requested. At pages 3-5, the Office Action alleges that the inventions of Groups I-XXI have a unique technical feature which is not shown by the other groups. Applicants respectfully disagree with this contention. All the claims in the application involve related subject matter, for example, a peptide derived from bovine α_{s2} casein having inhibiting activity on angiotensin I converting enzyme. A search of all the claims would comprise overlapping subject matter, and it would not be an undue burden on the Examiner to carry out a search. "If search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) M.P.E.P. 803. Accordingly, it is respectfully submitted that the restriction be withdrawn.

Although it is believed that a restriction of the original claims is not proper in the instant application as discussed above, Applicants respectfully submit that at a minimum,

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the restriction requirement should be modified to combine Group XII (claim 2, drawn to a pharmaceutical preparation comprising the polypeptide of SEQ ID NO: 5) with the elected Group XIX because they comprise overlapping subject matter. For example, claim 2, which is directed to a pharmaceutical preparation, includes a polypeptide of SEQ ID NO:5. Claims 3-6, which is directed to a food-product, also includes a polynucleotide of SEQ ID NO:5. Applicants' courteously submit that it should be little, if any, additional burden to carry out a search and examination of these interrelated groups, as both claims require a search of a polypeptide of SEQ ID NO:5. Therefore, a modification to the existing restriction requirement is respectfully requested.

A check in the amount of \$120.00 is enclosed for the one-month extension-of-time fee. No other fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

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Respectfully submitted,



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Attorney Docket No.: **LOM-0043**

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